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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,374

07/14/2004

Dolf Henricus Jozef Van Casteren

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10/17/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HO, BINH VAN

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,374

Applicant(s)

VAN CASTEREN, DOLF
HENRICUS JOZEF

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/08/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a response to amendment filed 06/05/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2-5,7-8,13-15 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Blom (5,235,255).

(Claims 1,15)

Blom discloses in figures 1-2, a device for operating a high-pressure discharge lamp. said device comprising a switched-mode power supply circuit for supplying power to the high-pressure discharge lamp from a supply voltage, the power supply circuit including at least one power switching element, control means for controlling the switched-on and switched-off states of said power switching element for controlling the power or current supplied to the high pressure discharge lamp; wherein the control means are adapted to control the power consumed by the lamp during its steady phase or the current consumed by the lamp during its run-up phase by controlling the on-time (Ton) of the switched-on state of the at least one power switching element (Abstract, col. 5, lines 13 +, lines 40 +).

(Claims 2,16)

Blom discloses in figure 2, wherein the value of the on-time (T_{on}) of the at least one power switching element is a preset value, the preset value depending on the specifications of the type of discharge lamp used (col. 4, lines 3 +).

(Claims 3, 17)

Blom discloses in figures 1-2, wherein the on-time (T_{on}) of the at least one power switching element for a specific discharge lamp type is substantially constant (Abstract).

(Claims 4-5, 18)

Blom discloses in figures 1-2, comprising input current determining means for determining the input current of the power supply, the input current determining means providing a signal representative of the determined input current; a feedback means through which said signal is fed back to the control means, wherein the control means are adapted to control the on-time (T_{on}) of the at least one switching element as a function of said feedback signal (Abstract).

(Claims 7-8)

Blom discloses in figure 1, wherein the control means comprise a feedback controller (V, IV) for controlling the control means.

(Claim 13)

Blom discloses in figure 1, wherein the switched-mode power supply (col. 1, lines 6 +) comprises a half-bridge (A) or full-bridge (A) commutating forward topology .

(Claim 14)

Blom discloses in figure 1, wherein the switched-mode power supply comprises a down-converter (II).

4. Claims 1,2-5,7-8,13-15 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fellows (5,187,414).

(Claims 1,15)

Fellows discloses in figures 1, 4-6, a device for operating a high-pressure discharge lamp. said device comprising a switched-mode power supply circuit (24 and 28) for supplying power to the high-pressure discharge lamp from a supply voltage, the power supply circuit including at least one power switching element (111, 112, 134), control means for controlling the switched-on and switched-off states of said power switching element for controlling the power or current supplied to the high pressure discharge lamp; wherein the control means are adapted to control the power consumed by the lamp during its steady phase or the current consumed by the lamp during its run-up phase by controlling the on-time (Ton) of the switched-on state of the at least one power switching element (col. 2, 39-56; col. 5, lines 9-29; col. 8, lines 5-32 and 57 +; col. 6, lines 40-58; col. 10, lines 54-64).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellows in view of Lev (6,963,178).

(Claims 6)

Fellows discloses substantially all of the elements, except the dim level means providing a signal representative of the dim level of the lamp. Lev teaches control is desired, for example, in controlling the dimming. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use power controllers are well known and normally employ analog techniques.

(Claim 10)

Lev discloses wherein the switching frequency of the switched-mode power supply is at least 100 kHz (col. 18, Frequency range 95-105Khz).

(Claim 12)

Lev discloses in figures 2-3,6,9-11,14, wherein use is made of a half or full-bridge power supply and a filter circuit comprising a series inductor (41) and at least one filter capacitor (42) parallel to the lamp.

Response To The Arguments

6. Applicant's arguments filled on 06/05/2006 have been fully considered. Applicant made the following arguments:

Accordingly, Applicant submits that "1. The Blom patent discloses only constant power during normal operation. Constant current during run-up is not disclosed.."

The Examiner respectfully disagrees with the Applicant's argument above, since the formula $P = I * V$, if P is constant power therefore, I and V must be constant.

Accordingly, Applicant submits that "2. MPEP §2131 loudly proclaims in boldface, uppercase letters "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." It is respectfully submitted that the Examiner is not following this directive."

The Examiner respectfully disagrees with the Applicant's argument above, since the applicant failed to identify which elements are missing.

Accordingly, Applicant submits that "3. It is not proper to use claims (column 5 of the Blom patent) for rejecting claims; In re Benno, 226 USPQ 683 (Fed. Cir. 1985) [selection enclosed]."

The Examiner respectfully disagrees with the Applicant's argument above, since the applicant failed to identify which portion of the In re Benno case is of any significance to the issue of rejecting application using prior art's claims. Furthermore, the examiner did not find any portion of the In re Benno case that would be helpful in supporting the applicant's alleged argument. Even though the applicant could successfully identify the portion of the passage from the Benno's case in the favor of his argument, it still should be noted that each application is treated individually on its merits and it needs be considered independently of the other applications. The applicant

should note that *In re Benno* is a case law, not statute, therefore the outcome of the case does not need to be practiced in all the other applications that are submitted with the United States Patent Office. Also claims are part of Blom invention.

Accordingly, Applicant submits that "4. The abstract does not disclose controlling current through the lamp during starting."

The Examiner respectfully disagrees with the Applicant's argument above, since in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "controlling current through the lamp during starting") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Allowable Subject Matter

7. Claims 9,11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The cited art of record fails to teach the on-time (Ton) is iteratively adapted with a iteration frequency lower than the switching frequency of the switched-mode power supply and the iteration frequency is 100 Hz or less, preferably about 10 Hz or less.

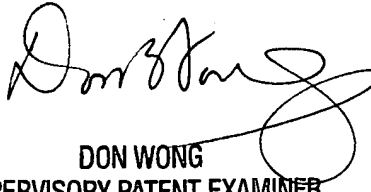
Inquiry

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho
Examiner
Art Unit 2163


DON WONG
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